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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,542	10/02/2003	Yuan-Hsing Chu	CFP00338 (18084/135)	9555
7590	03/16/2005		EXAMINER	MATHEW, FENN C
ALAN D. KAMRATH NIKOLAI & MERSEREAU, P.A. 820 INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3325			ART UNIT	PAPER NUMBER
			3764	
DATE MAILED: 03/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/677,542	CHU, YUAN-HSING	
	Examiner	Art Unit	
	Fenn C Mathew	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cousin et al. (U.S. 6,401,488). Referring to claim 1, Cousin et al. discloses a loop (16) having cross sections including a smooth outer periphery and an outer diameter and a plurality of rings each having a hole defined therethrough with the hole having an inner diameter approximately equal to 1.5 times the outer diameter of the cross sections of the loop (as best understood from figure 3), with the loop extending through the hole of each ring so that rings are rotatable relative to the loop.

3. Claims 1, 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mason (U.S. 5,080,518). Mason teaches a loop (4) having a cross section including a smooth periphery, a plurality of rings (6, 8, 10) each having a hole therethrough, with the hole having an inner diameter approximately 1.5 times the outer diameter of the cross section of the loop (as best understood in the figures), with the loop extending through the hole of each ring so that the rings are rotatable. Mason further teaches the rings having polygonal outer periphery, and an eccentrically defined hole.

4. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Belin (U.S. 4,351,166). Belin discloses a loop, a plurality of rings each having a hole defined

therethrough, with the loop extending through the hole of each ring so that the rings are rotatable relative to the loop, wherein at least one of the rings has a polygonal outer periphery.

Response to Arguments

5. Applicant's arguments filed 12/29/2004 have been fully considered but they are not persuasive. Examiner points to Applicant's argument that the diameter at a 1.5 times ratio is a critical feature. Examiner respectfully disagrees, as the specification does not say that having hole with a diameter 1.5 times the diameter of the loop provides any inherent advantage. Would not a hole with a diameter 1.2, or 2.0 times the diameter of the loop also shake and vibrate the loop? Furthermore, Applicant has attempted to define the device in terms of function. The prior art cited recites all the claimed structural features, and is not precluded from performing the function as broadly recited. Examiner has specifically cited the art above in an effort to demonstrate the sheer broadness of the claims presented.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Panicci U.S. 4,311,149

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 14, 2005



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